



The Comptroller General
of the United States

Washington, D.C. 20548

Vickers

Decision

Matter of: Hermetic Aircraft International Corporation

File: B-234805

Date: March 24, 1989

DIGEST

Offer delivered by United States Postal Service express mail the day after it was due properly was rejected, since a late hand-carried offer can be considered only if mishandling by the procuring agency was the paramount cause of the late receipt.

DECISION

Hermetic Aircraft International Corporation protests the rejection of its proposal as late under solicitation No. DTCG38-88-R-00043, issued by the United States Coast Guard.

We dismiss the protest without obtaining a report from the Coast Guard since it is clear from our analysis of the material furnished by Hermetic that the protest is without merit. Bid Protest Regulations, 4 C.F.R. § 21.3(m) (1988).

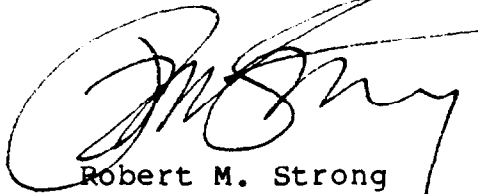
Hermetic contends that the late arrival of its proposal was due to delay and mishandling by the United States Postal Service. The proposal was sent by express mail and arrived 1 day after the closing date.

An agency may consider a proposal that is received after the date required in the solicitation only if one of the exceptions against considering late proposals applies. ComPath Business Telephone Systems, B-213575, May 22, 1984, 84-1 CPD ¶ 543. A proposal that is sent by Postal Service express mail is considered to be hand-carried, and if delivered late it can be considered only if mishandling by the procuring agency--not the Postal Service--was the

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paramount cause of the late receipt. Minority Business Enterprises, Inc., B-211836, May 31, 1983, 83-1 CPD ¶ 583. Since Hermetic does not suggest any such mishandling occurred here, the offer properly was rejected.

The protest is dismissed.

A handwritten signature in black ink, appearing to read 'R. Strong', is written over the printed name.

Robert M. Strong
Associate General Counsel